

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

GABRIEL SANCHEZ

*Plaintiff,*

v.

CITY OF SAN ANTONIO, BY AND  
THROUGH ITS AGENT, CITY  
PUBLIC SERVICE BOARD OF  
SANANTONIO

*Defendant.*

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CIVIL NO. SA-18-CV-00184-XR

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**AGREED SCHEDULING RECOMMENDATIONS**

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In compliance with the Court's Order, Dkt. No. 3, the parties recommend that the following deadlines be entered in the scheduling order to control the course of this case:

**MOTIONS FOR LEAVE TO AMEND PLEADINGS.**

- (1) The deadline for Plaintiff(s) to file a motion seeking leave to amend pleadings; or to join parties is July 2, 2018.
- (2) The deadline for Defendant(s) to file a motion (1) to designate responsible third parties, pursuant to Texas Civil Practices & Remedies Code §33.004(a); (2) seeking leave to amend pleadings; or (3) to join parties is July 17, 2018.

**EXPERTS**

- (1) All parties asserting claims for relief shall file their designation of testifying experts and serve on all parties, but not to file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) on or before October 1, 2018. Plaintiff requests this date in order to conduct discovery to

gather the necessary documents for his experts, provide said documents to his experts, and allow his experts time to generate their reports. In addition, lead counsel for Plaintiff (Alex Katzman) will be out of the country from July 10, 2018 through July 23, 2018. Defendant does not oppose this request.

- (2) Parties resisting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) on or before November 1, 2018.
- (3) All parties shall file all designations of rebuttal experts and serve on all parties the material required by Fed. R. of Civ. P. 26(a)(2)(B) for such rebuttal experts to the extent not already served, within fifteen (15) days of receipt of the report of the opposing expert.
- (4) An objection to the reliability of an expert's proposed testimony under Federal Rules of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within eleven (11) days from the receipt of the written report of the expert's proposed testimony, or within eleven (11) days from obtaining a copy of the expert's deposition, if a deposition is taken, whichever is later.
- (5) The deadline for filing supplemental reports required under Fed. R. Civ. P. 26(e) is 30 days prior to the close of discovery.

#### **WITNESS LIST, EXHIBIT LIST, AND PRETRIAL DISCLOSURES**

- (1) The deadline for filing Rule 26(a)(3) disclosures is 30 days prior to trial.
- (2) The deadline for filing objections under Rule 26(a)(3) is 14 days after Rule 26(a)(3) disclosures are made. Any objections not made will be deemed waived.

## **COMPLETION OF DISCOVERY**

- (1) Written discovery requests are not timely if they are filed so close to this deadline that under the Federal Rules of Civil Procedure the response would not be due until after the deadline.
- (2) The deadline for the completion of all discovery is February 1, 2019.
- (3) Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

## **ALTERNATIVE DISPUTE RESOLUTION (ADR) REPORT**

- (1) A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before August 1, 2018.
- (2) The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before November 15, 2018, and each opposing party shall respond, in writing on or before November 30, 2018.
- (3) All offers of settlement are to be private, not filed. The parties are ordered to retain the written offers of settlement and response as the Court will use these in assessing attorneys' fees and costs at the conclusion of the proceedings.
- (4) If a settlement is reached, the parties should immediately notify the Court so the case may be removed from the Court's trial docket.

## **PRETRIAL MOTIONS**

- (1) No motion (other than a motion in limine) may be filed after this date except for good cause. The deadline to file motions (including dispositive motions and Daubert motions) is March 1, 2019. This deadline is also applicable to the filing of any summary judgment

motion under Fed. R. Civ. P. 56 and any defense of qualified immunity. Leave of court is automatically given to file motions, responses, and replies not to exceed 30 pages in length. Fed R. Civ. P. 6(d) does not apply to the time limits set forth in Local Rule CV-7 for responses and replies to motions.

#### **JOINT PRETRIAL ORDER AND MOTION IN LIMINE**

- (1) The deadline to file a Final Joint Pretrial Order and any motion in limine is 14 days prior to the Final Pretrial conference.
- (2) All attorneys are responsible for preparing the Final Pretrial Order, which must contain the following:
  - a. a short statement identifying the Court's jurisdiction. If there is an unresolved jurisdictional question, state it;
  - b. a brief statement of the case, one that the judge could read to the jury panel for an instruction to the facts and parties;
  - c. a summary of the remaining claims and defenses of each party;
  - d. a list of facts all parties have reached agreement upon;
  - e. a list of contested issues of fact;
  - f. a list of the legal propositions that are not in dispute;
  - g. a list of contested issues of law;
  - h. a list of all exhibits to be offered. Counsel will make all exhibits available for examination by opposing counsel. All documentary exhibits must be exchanged before the final pre-trial conference. The exhibit list should clearly reflect whether a particular exhibit is objected to or whether there are no objections to the exhibit;

- i. a list of the names and addresses of witnesses who may be called with a brief statement of the nature of their testimony;
- j. an estimate of the length of trial;
- k. for a jury trial, include (a) proposed questions for the voir dire examination, and (b) a proposed charge, including instructions, definitions, and special interrogatories, with authority;
- l. for a nonjury trial, include (a) proposed findings of fact and (b) proposed conclusions of law, with authority;
- m. the signature of all attorneys; and
- n. a place for the date and the signature of the presiding judge.

#### **FINAL PRETRIAL CONFERENCE**

- (1) The Final Pretrial Conference shall be held on June \_\_\_\_, 2019.
- (2) Motions in limine, if any, will be heard on this date. Counsel should confer prior to this hearing on any issues raised in a motion in limine or the Joint Pretrial Order. Any party intending to use a demonstrative exhibit should provide the same to opposing counsel at least 3 days prior to the Final Pretrial conference so that if any objections or issues are raised about the demonstrative exhibit, they can be addressed at the final pretrial conference.

#### **TRIAL**

- (1) The Trial Date is June \_\_\_\_\_, 2019.

## CONFERENCE

- (1) All of the parties who have appeared in the action conferred concerning the contentions of this scheduling order on May 31, 2018 and June 1, 2018, and the parties have agreed as to its contents.

Respectfully submitted,

**KATZMAN & KATZMAN, PLLC**

By: Justin R. Reyes  
Alex Katzman  
State Bar No. 00786939  
Justin R. Reyes  
State Bar No. 24095329  
21022 Gathering Oak  
San Antonio, Texas 78260  
Telephone: (210) 979-7300  
Facsimile: (210) 979-7357  
[alex@katzmanandkatzman.com](mailto:alex@katzmanandkatzman.com)  
[justin@katzmanandkatzman.com](mailto:justin@katzmanandkatzman.com)

**ATTORNEY FOR PLAINTIFF  
GABRIEL SANCHEZ**

/s/ Christine E. Reinhard  
Christine E. Reinhard  
State Bar No. 24013389  
[creinhard@sr-llp.com](mailto:creinhard@sr-llp.com)  
Shannon B. Schmoyer  
State Bar No. 17780250  
[sschmoyer@sr-llp.com](mailto:sschmoyer@sr-llp.com)  
Delilah Lorenz Evans  
State Bar No. 24036991  
[devans@sr-llp.com](mailto:devans@sr-llp.com)  
SCHMOYER REINHARD LLP  
17806 IH 10 West, Suite 400  
San Antonio, Texas 78257  
Phone: (210) 447-8033  
Facsimile: (210) 447-8036

**ATTORNEYS FOR DEFENDANT CPS  
ENERGY**

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been delivered, as designated below, on June 1, 2018.

Christine E. Reinhard  
Shannon B. Schmoyer  
Delilah Lorenz Evans  
SCHMOYER REINHARD LLP  
17806 IH 10 West, Suite 400  
San Antonio, TX 78257  
Phone: (210) 447-8033  
Fax: (210) 447-8036  
[creinhard@sr-llp.com](mailto:creinhard@sr-llp.com)  
[sschmoyer@sr-llp.com](mailto:sschmoyer@sr-llp.com)  
[devans@sr-llp.com](mailto:devans@sr-llp.com)

☐ Hand Delivery  
☐ Facsimile Transmission (210) 349-3666  
☐ Certified Mail, Return Receipt Requested  
☐ U.S. Postal Service First Class Mail  
☒ E-service via CM/ECF

### ATTORNEYS FOR DEFENDANT

/s/ Justin R. Reyes  
JUSTIN R. REYES